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(Del. Rev. 12/98)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STANFORD L BURRIS

(Name of Plaintiff or Plaintiffs)

v.

CIVIL ACTION No. 04-1469

RICHARD PAIVING INC

(Name of Defendant or Defendants)

COMPLAINT UNDER TITLE VII
OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for **employment discrimination**. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 88 KARLYN DRIVE

(Street Address)

NEW CASTLE NC DE 19720

(City)

(County)

(State)

(Zip Code)

(302) 658-2706

(Area Code) (Phone Number)

3. Defendant resides at, or its business is located at 9 BELLECOR DRIVE

(Street Address)

NEW CASTLE NC DE 19720

(City)

(County)

(State)

(Zip Code)

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's RICHARD PAIVING INC place of business

(Defendant's Name)

located at 9 BELLECOR DRIVE

(Street Address)

NEW CASTLE NC DE 19720

(City)

(County)

(State)

(Zip Code)

5. The alleged discriminatory acts occurred on 3 , 4 , 2003 .
 (Day) (Month) (Year)

6. The alleged discriminatory practice ☒ is ☐ is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware,
DELAWARE DEPARTMENT OF LABOR
 (Agency) (Street Address) (City)
Wilmington DE
 (County) (State) (Zip Code) , regarding
 defendant's alleged discriminatory conduct on 3 , 4 , 2002 .
 (Day) (Month) (Year)

8. Plaintiff filed charges with the Equal Employment opportunity Commission of the United States
 regarding defendant's alleged discriminatory conduct on: 5 , 9 , 03 .
 (Day) (Month) (Year)

9. The Equal Employment Opportunity Commission issued the attached Notice-of-Right-to-Sue letter
 which was received by plaintiff on: 27 , 8 , 2003 .
 (Day) (Month) (Year)

(NOTE: ATTACH NOTICE-OF-RIGHT-TO-SUE LETTER TO THIS COMPLAINT.)

10. The alleged discriminatory acts, in this suit, concern:

- A. ☒ Failure to employ plaintiff.
- B. ☐ Termination of plaintiff's employment.
- C. ☐ Failure to promote plaintiff.
- D. ☐ Other acts (please specify below)

Failure to Hire After All Test's were
Pasted

11. Defendant's conduct is discriminatory with respect to the following:

- A. ☒ Plaintiff's race
- B. ☒ Plaintiff's color
- C. ☐ Plaintiff's sex
- D. ☐ Plaintiff's religion
- E. ☐ Plaintiff's national origin

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiffs will be irreparably denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff's has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows: (Check appropriate letter(s))

- A. ☒ That all fees, cost or security attendant to this litigation be hereby waived.
- B. ☐ That the Court appoint legal counsel. **if ACCORD**
- C. ☐ That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 11/24/04

Stanford S. Burni
(Signature of Plaintiff)

(Signature of additional Plaintiff)

EEOC Form 161-B (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Stanford L. Burris
88 Karlyn Drive
New Castle, DE 19720

From: U. S. Equal Employment Opportunity Commission
Philadelphia District Office
21 South 5th Street - Suite 400
Philadelphia, PA 19106-2515

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
17C-2003-00419 (formerly 17CA300419)	Legal Unit	215-440-2828

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

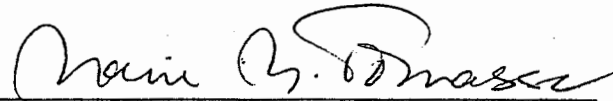
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Marie M. Tomasso, District Director



(Date Mailed)

Enclosure(s)

cc: Richards Paving, Inc.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974

ENTER CHARGE NUMBER

FEPA

06031071



EEOC

17CA300419

Delaware Department of Labor

and EEOC

(State, or local Agency, if any)

NAME (Indicate Mr., Mrs., Ms)

Stanford L. Burris

HOME TELEPHONE NO. (Include Area Code)

(302) 658-2706

STREET ADDRESS**CITY, STATE AND ZIP CODE****COUNTY**

88 Karlyn Dr. New Castle DE 19720 NCC

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)**NAME**

Richard Paving Inc.

NO. OF EMPLOYEES OR MEMBERS 20+**TELEPHONE NUMBER** (Incl. Area Code)

302-328-5828

STREET ADDRESS**CITY, STATE AND ZIP CODE**

9 Bellecor Dr. New Castle, DE 19720

NAME**TELEPHONE NUMBER** (Include Area Code)**STREET ADDRESS****CITY, STATE AND ZIP CODE**☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE☐ RETALIATION ☒ DISABILITY ☐ OTHER (Specify)**DATE DISCRIMINATION TOOK PLACE****EARLIEST** 4/3/2003**LATEST** 5/6/2003☐ CONTINUING ACTION**THE PARTICULARS ARE** (If additional space is needed, attached extra sheet(s):

I applied for a truck driving position on or about 4/3/03 with the Respondent. I am an individual with a disability who is able to perform the essential functions of the position with reasonable accommodation. I went to see the Respondent on 5/5/03 to inquire whether the position was still available. I spoke to Dave McLaskley, Foreman and he gave me a road test. I passed the road test and then Mr. McLaskley asked for my driving record. I returned on 5/6/03, with a copy of my driving record but was told that he could not hire me because of my voice. Mr. McLaskley stated that I would not be able to be heard over the CB radio. I mentioned that I could use a cell phone to communicate and I could use my artificial larynx (which I showed him) but Mr. McLaskley refused. Lastly, I asked Mr. McLaskley if I could be placed in a laborer position but he told me that couldn't be done because he needed truck drivers.

I believe that I have been discriminated against in violation of the Americans with Disabilities Act of 1991, as amended and the Delaware Handicapped Persons in Employment Act based on my disability because: I was not hired for a position for which I was qualified clearly based on my disability. Mr. McLaskley refused to provide me reasonable accommodation and therefore, refused me a position for which I could perform.



I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SIGNATURE OF COMPLAINANT

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary to meet State and Local Requirements)

Date 5-9-03

Charging Party (Signature)

Subscribed and sworn to before me this date

(Day, month, and year)